

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Santos D. Martinez

Respondent

Civil Citation No.72324

4118 Colby Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on February 24, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310, 312; 13-4-201 (d); Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 431, for: illegal storage of commercial truck, illegal business from residence, illegal contractor's equipment storage yard, illegal open dump/junkyard and, failure to store garbage in containers with lids on residential property known as 4118 Colby Road, 21208.

On January 21, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Kim Wood issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on January 5, 2010 for removal of untagged/inoperative motor vehicles; remove open dump/junk yard; remove commercial vehicle(s); cease illegal home occupation; remove trash and debris; store garbage in cans with tight lids. This Citation was issued on January 21, 2010. The hearing on this Citation was pre-scheduled for February 10, 2010, but hearings that day were canceled due to inclement weather; Respondent was notified by mail that the hearing was rescheduled to February 24, 2010. Respondent failed to appear for the Hearing.

B. Photographs in the file show large piles of construction debris including old shingles and lumber. Photographs also show a wheelbarrow on the porch piled with bagged garbage. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. Photographs show a white commercial box truck with a contractor company listed on the side. A commercial vehicle exceeding 10,000 pounds gross vehicle weight or gross combination weight may not be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle. BCZR Section 431.1.

D. Photographs show ladders, plywood, sheets of drywall, and various construction supplies piled on the porch and yard. Use of a residential property as a contractor's equipment and materials storage yard violates zoning regulations.

E. Notes in the file from Inspector Kimberly Wood state that re-inspection of the property on February 23, 2010, prior to this Hearing, found some of the violations corrected. The debris and building materials were removed except for some ladders. The commercial truck was not on the property. However, bagged garbage was still being stored outside and not in required garbage cans with tight lids. Because compliance is the goal of code enforcement, and because most of the violations have been corrected, a smaller civil penalty will be imposed and it will be further reduced if re-inspection finds all the violations corrected, with all contractor's equipment and all junk, trash and debris removed; garbage properly stored; and no improperly parked commercial vehicle at this residence.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if re-inspection by March 17, 2010 finds the violations corrected, with all contractor's equipment and all junk, trash and debris removed; garbage properly stored; and no improperly parked commercial vehicle at this residence.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 1st day of March 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer